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BETH READ
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

BASEHOAR, ADAM L

ART UNIT PAPER NUMBER

2178

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,850

Applicant(s)

SHELTON, RICHARD M.

Examiner

Adam L. Basehoar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to communications: The RCE filed 08/19/05.
2. Claims 47-56 have been added.
3. The rejection of claims 1-6, 15-21, 30-31, 35-37, and 46 under 35 U.S.C. 102(b) as being anticipated by Hill et al (US-6,023,714 02/08/00) have been withdrawn as necessitated by Amendment.
4. The rejection of claims 7-8, 22-23, 32-34, and 38-39 under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US-6,023,714 02/08/00) have been withdrawn as necessitated by Amendment.
5. The rejection of claims 9-14, 24-29, and 40-45 under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US-6,023,714 02/08/00) in view of Bernard et al (WO 00/29935 05/25/00) have been withdrawn as necessitated by Amendment.
6. The provisional rejection of claims 1-46 for obviousness-type double patenting as being unpatentable over claims 1-46 of commonly owned copending application 09/809,654 has been withdrawn as necessitated by Amendment.
7. Claims 1-56 are pending in the case. Claims 1, 16, 31, and 56 are independent claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8, 15-23, 30-39, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US: 6,023,714 02/08/00) in view of Gormish (US-5,910,796 06/08/99).

-In regard to independent claims 1, 16, and 31 Hill et al teach a method and computer readable medium for formulating a style sheet (Fig. 2: 214a-n) containing color commands (color properties)(column 8, lines 20-25) for presentation of objects (document content)(column 2, lines 28-32) within a web page (Fig. 2: 210) based on a color response (characteristics and capabilities)(column 9, lines 23-31) of a display device (Fig. 2: 200) associated with a client (Fig. 2: 204) on a computer network (Fig. 2); and communicating the style sheet via the computer network (column 2-3: Summary of Invention).

Hill et al do not teach wherein the color response included information relating to an actual gamma determined for the display device. Gormish teaches determining the color response of a display device (column 2, lines 29-31: "display device") which includes information relating to the devices actual gamma (column 1, lines 48-61; column 5, lines 52-67; column 6; column 7 lines 1-23)(Fig. 6). It would have been obvious to one of ordinary skill in the art at the time of the invention for the color response of Hill et al (column 9, lines 23-31) to have included information relating to the actual gamma of the display device, because Gormish teaches that a display devices gamma determination and correction was essential for the accurate display of images (column 1, lines 26-32: "For many applications....crucial for such applications").

-In regard to dependent claims 2, 17 and 35, Hill et al teach specifying a color value (column 8, lines 20-25; Abstract) in the style sheet (column 7, lines 5-16) based on the color response of the display device (column 9, lines 24-33).

-In regard to dependent claims 3, 18 and 36, Hill et al teach communicating the web page to the client (Fig. 2); and setting a color of an object in the page based on the color value in the style sheet (column 7, lines 5-15).

-In regard to dependent claims 4,19, and 37, Hill et al teach setting a text and background color properties (column 4, lines 12-14).

-In regard to dependent claims 5 and 20, Hill et al teach setting the color of an image tagged ()(column 6, lines 37-45) in the web page (Fig. 2: 210) based on the color response (characteristics and capabilities: specifically color palette and resolution) of the display device (column 9, lines 23-31); and communicating the tagged image to the client (column 2-3: Summary of Invention).

-In regard to dependent claims 6, and 21, Hill et al teach generating a color profile based on the color response of the display device (equivalent to the result of interrogating the output device to determine its characteristics and capabilities)(column 3, lines 9-20); formulating the style sheet based on the profile (column 3, lines 16-17); and setting the color of the image

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()(column 6, lines 37-45) based on the profile (color palette and resolution)(column 9, lines 23-31).

-In regard to dependent claims 15, 30, and 46, Hill et al teach communicating web pages to multiple clients on a computer network (column 2, lines 15-24); and formulating customized style sheets(Fig. 2: 214a-n) for the web pages (document content)(Fig. 2: 210) based on the color responses (color palette and resolution)(column 9, lines 23-31) of display devices associated with each particular client.

-In regard to dependent claims 7 and 22, Hill et al teach communicating the web page from a first server (Fig. 2: 208 & 210); and communicating a tagged image with the document content (column 6, lines 37-42) identified by its unique network address (i.e. "URL"). Hill et al do not specifically teach wherein the tagged image was located on a second server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the above mentioned processes of Hill et al, performed on a single server, to have been distributed over two or three servers because it was notoriously well known in the art that client/server networked architecture could be performed on more than one server wherein the advantage was in distributing the processing load required to process the client requests. An additional well-known benefit to the use of multiple servers was that increased data storage capacity.

-In regard to dependent claims 8, 23 and 32, Hill et al teach communicating the web page from a first server (Fig. 2: 208 & 210); and communicating the style sheet from the same server

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(Fig. 2: 214a-n). Hill et al do not specifically teach wherein the style sheet was located on a second server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the above mentioned processes of Hill et al performed on a single server to have been distributed over two or three servers, because it was notoriously well known in the art that client/server networked architecture could be performed on more than one server wherein the advantage was in distributing the processing load required to process the client requests. An additional well-known benefit to the use of multiple servers was that increased data storage capacity.

-In regard to dependent claims 33-34, Hill et al teach wherein the color correction module runs on the first server (Fig. 5: 506). Hill et al do not teach wherein the color correction module was run on the second or the third server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the above mentioned processes of Hill et al performed on a single server to have been distributed over two or three servers, because it was notoriously well known in the art that client/server networked architecture could be performed on more than one server wherein the advantage was in distributing the processing load required to process the client requests. An additional well-known benefit to the use of multiple servers was that increased data storage capacity.

-In regard to dependent claim 38, Hill et al teach a server (Fig. 2: 208) that sends the web page (Fig. 2: 210) to the client (Fig. 2: 204); wherein the server sends an image tagged in the web page ()(column 6, lines 37-45), wherein the color correction module sets a color of

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the image based on the color response (characteristics and capabilities) of the display device (column 9, lines 23-31). Hill et al do not specifically teach wherein the tagged image was located on a second server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the above mentioned processes of Hill et al, performed on a single server, to have been distributed over two or three servers because it was notoriously well known in the art that client/server networked architecture could be performed on more than one server wherein the advantage was in distributing the processing load required to process the client requests. An additional well-known benefit to the use of multiple servers was that increased data storage capacity.

-In regard to dependent claim 39, Hill et al teach generating a color profile based on the color response of the display device (equivalent to the result of interrogating the output device to determine its characteristics and capabilities)(column 3, lines 9-20); formulating the style sheet based on the profile (column 3, lines 16-17); and setting the color of the image ()(column 6, lines 37-45) based on the profile (color palette and resolution)(column 9, lines 23-31).

10. Claims 9-14, 24-29, and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US: 6,023,714 02/08/00) in view of Gormish (US-5,910,796 06/08/99) in further view of Bernard et al (WO 00/29935 05/25/00).

-In regard to dependent claims 9-10, 24-25, and 40-41, Hill et al teach characterizing the color response of the client display device by having the server interrogate the client device (Fig. 5: 506)(column 9, lines 23-31). Hill et al do not teach guiding the client through a color profiling

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process by delivering one or more color profiling web pages to the client. Bernard et al teach remotely characterizing the capabilities of the client output device by guiding the user through a color profiling process by delivering one or more color profiling web images (equivalent to web pages)(Remote Characterization: pp. 15-17). It would have been obvious to one of ordinary skill in the art at the time of the invention for Hill et al to have involved the user in the color profiling process as taught in Bernard et al, because Bernard et al teach that having optimal user display settings, which can best be determined by the user, would have increased user confidence for online purchases knowing that the viewed image was an accurate depiction of the product (pp. 6 & 7, lines 31-32 & 1-2).

-In regard to dependent claims 11-13, 26-28, and 42-44, Hill et al teach the web server interrogating the client display device to determine the characteristics and capabilities of the display device in order to communicate an appropriate style sheet (Fig. 5: 506)(column 9, lines 23-31). Hill et al do not teach wherein a web cookie was used to store information pertaining to the characteristics and capabilities of the client device and communicating said cookie to the server so that the server could select an appropriate style sheet for the client. Bernard et al teach sending a web cookie storing user display calibration and characterization data to a web server so that an appropriate style sheet (color corrected version of an image) could be selected based on the cookie data and communicated to the user (pp. 8, lines 7-19). It would have been obvious to one of ordinary skill in the art at the time of the invention, for Hill et al to have used the cookie feature to store persistent display device data as shown in Bernard et al, because Bernard et al teach that using cookies was a well known technique to provide personal settings or information

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specific to the user without requiring a server to store information for all of its users (pp. 8, lines 16-19). In addition it would have been well known in the art at the time of the invention, that using web cookies to store the display characteristics of Hill et al would have reduced processing time for users that requested multiple web pages because the display device of the user would not have to be interrogated by the server on each subsequent page request.

-In regard to dependent claims 14 and 29, Hill et al, as shown above, teach communicating the web page to the client from a first server; storing the style sheet and the tagged image (tag) on the first server; communicating the tagged image to the client from the server. Hill et al do not teach storing the style sheet and tagged image data on a second server or communicating the above mentioned color profiling web pages from a third server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the above mentioned processes of Hill et al performed on a single server to have been distributed over two or three servers, because it was notoriously well known in the art that client/server networked architecture could be performed on more than one server wherein the advantage was in distributing the processing load required to process the client requests. An additional well-known benefit to the use of multiple servers was that increased data storage capacity.

-In regard to dependent claim 45, Hill et al, as shown above, teach communicating the web page to the client from a first server; storing the style sheet and the tagged image (tag) on the first server; communicating the tagged image to the client from the server; and characterizing the color profile of the client device by interrogating said device from the server.

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Hill et al do not teach guiding the client through a color profiling process by delivering one or more color profiling web pages to the client. Bernard et al teach remotely characterizing the capabilities of the client output device by guiding the user through a color profiling process by delivering one or more color profiling web images (equivalent to web pages)(Remote Characterization: pp. 15-17). It would have been obvious to one of ordinary skill in the art at the time of the invention for Hill et al to have involved the user in the color profiling process as taught in Bernard et al, because Bernard et al teach that having optimal user display settings, which can best be determined by the user, would have increased user confidence for online purchases knowing that the view image was an accurate depiction of the product (pp. 6 & 7, lines 31-32 & 1-2).

Hill et al also do not teach wherein there were three servers. It would have been obvious to one of ordinary skill in the art at the time of the invention for the above mentioned processes of Hill et al performed on a single server to have been distributed over two or three servers, because it was notoriously well known in the art that client/server networked architecture could be performed on more than one server wherein the advantage was in distributing the processing load required to process the client requests. An additional well-known benefit to the use of multiple servers was that increased data storage capacity.

11. Claims 47-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US: 6,023,714 02/08/00) in view of Gormish (US-5,910,796 06/08/99) in view of Ohara et al (US-6,122,002 09/19/00) in further view of Holmes (US-6,686,953 02/03/04).

-In regard to dependent claims 47, 50, and 53, Hill et al and Gormish teach wherein the color response included characteristics and capabilities (column 9, lines 23-31) and the actual gamma (column 1, lines 48-61; column 5, lines 52-67; column 6; column 7, lines 1-23) of the display device respectively. Hill et al and Gormish do not specifically teach wherein the color response includes information relating to actual black point and gray balance estimated for the display device. Ohara et al and Holmes teach determining the black point (column 1, lines 66-67, column 2, lines 1-3) and gray balance (Abstract: "The need...the display is met"; column 3, lines 9-15) of a specific display device respectively.

It would have been obvious to one of ordinary skill in the art at the time of the invention for the color response of Hill et al (column 9, lines 23-31) to have included information relating to the black point and gray balance of the display device, because Ohara et al (column 1, lines 35-42) and Holmes (column 1, lines 44-53) both teach the advantages of having a calibrated display.

-In regard to dependent claims 48, 51, and 54, Hill et al teach characterizing the color response of the client display device by having the server interrogate the client device (Fig. 5: 506)(column 9, lines 23-31). Hill et al do not teach guiding the client through a color profiling process to determine the black point, gamma, and gray balance for the display device. Ohara et al, Gormish, and Holmes teach guiding a client through a color profiling to determine the black point (column 1, lines 66-67, column 2, lines 1-3), gamma (column 1, lines 48-61; column 5, lines 52-67; column 6; column 7, lines 1-23), and gray balance (Abstract: "The need...the display is met"; column 3, lines 9-15). It would have been obvious to one of ordinary skill in the

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art at the time of the invention for the color response of Hill et al to have guided the client through a color profiling process, because Ohara et al, Gormish, and Holmes all teach the benefits of a user calibrated display.

-In regard to dependent claims 49, 52, and 55, Hill et al teaches wherein the style sheet (Fig. 2: 214a-n) specifies color customization of web page content (column 8, lines 27-32 based on the color response of the display device (characteristics and capabilities)(column 9, lines 23-31). Hill et al do not teach wherein the color response included information relating to an actual gamma determined for the display device. Gormish teaches determining the color response of a display device (column 2, lines 29-31: "display device") which includes information relating to the devices actual gamma (column 1, lines 48-61; column 5, lines 52-67; column 6; column 7 lines 1-23)(Fig. 6). It would have been obvious to one of ordinary skill in the art at the time of the invention for the color response of Hill et al (column 9, lines 23-31) to have included information relating to the actual gamma of the display device, because Gormish teaches that a display devices gamma determination and correction was essential for the accurate display of images (column 1, lines 26-32: "For many applications....crucial for such applications").

12. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US: 6,023,714 02/08/00) in view of Gormish (US-5,910,796 06/08/99) in further view of Ohara et al (US-6,122,002 09/19/00).

-In regard to independent claim 56, Hill et al teach a method comprising:

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determining by automatically interrogating a client device the characteristics and capabilities of a client display device (column 10, lines 22-26);

formulating style sheets (Fig. 2: 214a-n) for the computer network clients (Fig. 6: 608: “Sever Generates Style Definitions to Create Style Sheet”), wherein each style sheet specifies color customization of web page (Fig. 2: 210) content (column 2, lines 27-32) based on the color response (i.e. characteristics and capabilities)(column 9, lines 23-31) of the display device (Fig. 2: 200);

communicating the style sheets to the corresponding clients (Fig. 6: 610: “Server Sends Style Sheet...to Client”); and

communicating web pages to the clients (Fig. 6: 610: “Sever Sends...Document to Client”), wherein the clients apply the style sheets to customize color of web page content (Fig. 6: 612: “Client Renders Document on Output Device Using Style Sheet”).

Hill et al do not teach wherein the color response used to customize the web page content via the style sheets were based on the black point and gamma values of the display. Hill et al also do not teach wherein the color profile was determined via guiding the user through a color profiling process. Gormish and Ohara et al teach determining the actual gamma (column 1, lines 48-61; column 5, lines 52-67; column 6; column 7, lines 1-23) and the black point (column 1, lines 66-67, column 2, lines 1-3) of a client display device. It would have been obvious to one of ordinary skill in the art at the time of the invention for the color response of Hill et al (column 9, lines 23-31) to have included information relating to the gamma and black point of the display device, because Ohara et al (column 1, lines 35-42) and Gormish (column 1, lines 26-32: “For many applications....crucial for such applications”) both teach the advantages of having a client

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calibrated display. For the same reasons it would have been obvious for Hill et al to have the client guided through a color profiling process.

Response to Arguments

13. Applicant's arguments with respect to claims 1, 16, and 31 have been considered but are moot in view of the new ground(s) of rejection.

-In regard to independent claims 1, 16, and 31, Applicant argues that the Hill et al reference does not teach the amended limitation wherein the color response includes information relating to an actual gamma of the display device. The Examiner agrees with the Applicant that the color response, further defined to included a display devices actual gamma, was not taught in the Hill et al reference. However as rejected above, the Hill et al reference in view of the Gormish reference are believed to teach the new limitation.

-The Examiner has withdrawn the provisional rejection of claims 1-46 for obviousness-type double patenting as being unpatentable over claims 1-46 of the commonly owned copending application 09/809,654. Due to the provisional status of the rejection with regard to the two pending applications, the Examiner reserves the right to readdress this issue at a future time when said applications have been further prosecuted.

Conclusion

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14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6,504,950	01-2003	Murashita et al.
US-2002/0080168	06-2002	Hillard et al.
US-5,574,664	11-1996	Feasey, Michael
US-2001/0039567	11-2001	Baker et al.
US-2005/0073529	04-2005	Gu, Xueming Henry
US-6,847,376	01-2005	Engeldrum et al.
US-6,714,211	03-2004	Yoshida et al
US-5,926,617	07-1999	Ohara et al.
US-6,686,953	02-2004	Holmes, Joseph

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

William L. Bashore

**WILLIAM BASHORE
PRIMARY EXAMINER**

9/17/2005